

REMARKS

This responds to the Office Action dated August 5, 2010.

Claims 14-18 are amended, claims 2-6 and 19-25 were canceled in a previous response, and no claims are added; as a result, claims 1, 7-18 and 26-30 remain pending in this application.

The Rejection of Claims Under § 101

Claims 12-18 were indicated as rejected under 35 U.S.C. 101 because the claimed invention was directed to non-statutory subject matter. Because claims 12 and 13 are not “machine-readable medium” claims and were also indicated as being allowed, Applicant assumes for the purpose of this response that the rejection was intended for claims 14-18. Applicant has amended claims 14-18 to recite a “non-transitory machine-readable medium.” As stated in “Subject Matter Eligibility of Computer Readable Media” signed by Director Kappos on January 26, 2010, “A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation “non-transitory” to the claim.” Applicant respectfully submits that the amendment overcomes the rejection of claims 14-18 under 35 U.S.C. 101, and requests reconsideration and withdrawal of the rejection.

Allowable Subject Matter

Applicant notes with appreciation that claims 1, 7-13 and 26-30 are allowed and claims 14-18 were indicated to be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in the Office action. As indicated above, Applicant has amended claims 14-18 to recite a “non-transitory machine-readable medium.” Applicant respectfully submits that pending claims 14-18 are allowable in addition to allowed claims 1, 7-13 and 26-30.

CONCLUSION


Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(612) 373-6954

Date 6 December 2010

By 
Rodney L. Lacy
Reg. No. 41,136